

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MB Docket No. 01-302
Table of Allotments,)	RM-10333
Digital Television Broadcast Stations.)	
(Fort Wayne, Indiana))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 4, 2002

Released: September 10, 2002

By the Chief, Video Division:

1. At the request of Indiana Broadcasting, LLC ("Indiana Broadcasting"), licensee of station WANE-TV, Fort Wayne, Indiana, the Commission has before it the Notice of Proposed Rule Making, 16 FCC Rcd 3369 (2001), proposing the substitution of DTV channel 31 for station WANE-TV's assigned DTV channel 4. Indiana Broadcasting filed comments restating its intention to apply for DTV channel 31, if allotted. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 31 for DTV channel 4 since it will permit station WANE-DT to operate on an UHF channel in a market where all of the other full service stations were allotted UHF DTV channels. In addition, the channel substitution would enable Indiana Broadcasting to avoid potential technical problems with the lower VHF DTV channels. DTV channel 31 can be allotted to Fort Wayne, Indiana, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 41-05-38 N. and 85-10-48 W. Since the community of Fort Wayne is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WANE-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
IN Fort Wayne	31	82	253	792

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 25, 2002, the DTV

Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Fort Wayne, Indiana	19, 24, 31, 36, *40c

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Indiana Broadcasting LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 31 in lieu of DTV Channel 4 for station WANE-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau